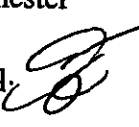


BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

CONFIDENTIAL

To: Commissioner Dan Winchester

From: Herbert W.A. Thiele, Esq. 
County Attorney

Date: June 4, 2003

Subject: Possible Ochlockonee River Lawsuit

**ATTORNEY-CLIENT CONFIDENTIAL COMMUNICATION
& ATTORNEY WORK PRODUCT**

Pursuant to the Board's direction to commence investigation and drafting of a Complaint concerning status of Ochlockonee River, this is an update on our activities in regard to both the Ochlockonee River and Georgia pollution situations.

Actions taken to date:

- Freedom of Information Act request filed on Georgia Environmental Protection Department; reviewed files on approximately 20 potential defendants two weeks ago; four boxes of permits, violation notices, and monitoring reports received this week and currently under review
- Permits examined for some of the above facilities; subject to the ongoing review, the permits appear to include language broad enough to require compliance with water quality standards and other measures supporting likely permit violations
- Database identifying all violations in last five years under creation.
- Freedom of Information Act request served on Corps of Engineers regarding Grady County dam and limited documents received; Grady County has provided a preliminary wetlands analysis to Corps, but no further action to date.
- Potential experts contacted; interviews to be scheduled shortly.
- Investigating Cairo land application system compliance with "no discharge" requirement.
- Exploring obtaining Florida Department of Environmental Protection documents relating to Georgia facilities and events.

Memorandum to Commissioner Dan Winchester
Possible Ochlockonee River Lawsuit
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CONFIDENTIAL

Schedule for remaining work in June-July time period:

- Identify potential additional Plaintiffs among landowners and users of affected waters.
- Possible supplemental monitoring to support lawsuit, particularly at Cairo.
- Prepare draft complaint.
- Brief Board on status of lawsuit; make decision whether to proceed.
- Brief state agencies and possibly Governor's office on status of lawsuit.
- File statutorily-required 60-day notice on Environmental Protection Agency, Georgia Environmental Protection Department, Defendants.

If you have any questions or comments, please call me at 487-1008.

HWAT:sl

cc: Honorable Chairman and Members of the Board of County Commissioners